

Appln No.: 10/690,398
Amendment Dated: October 19, 2005
Reply to Office Action of July 19, 2005

REMARKS/ARGUMENTS

This is in response to the Office Action mailed July 19, 2005 for the above-captioned application. Reconsideration and further examination are respectfully requested.

Claims 1-31 are pending in this application. Claims 7-10, 14-17 and 23-31 are indicated to be allowable if amended to independent form.

Claim 1 has been amended to correct a typographical error.

Claims 1-6, 11-13 and 18-22 are rejected under 35 USC § 103(a) as being obvious over the combination of Grefenstein et al (US patent No. (original) 6,589,378) in view of McCollum et al (US 2004/0146714). Without admitting that these documents are in fact prior art, Applicants submit that the combination of references as presented by the Examiner fails to meet the limitations of the claims invention and that there is therefore no *prima facie* case of obviousness.

Independent claim 1 of this application relates to a multi-layer composite. (original) At a minimum, the composite contains three layers, and these layers are:

an outer layer comprising acrylic,
a second layer comprising acrylonitrile-styrene-acrylate rubber terpolymer; and
a third layer comprising an ABS polymer;

where either

- (a) the second layer comprises an acrylate- modified acrylonitrile-styrene-acrylate rubber terpolymer; or
- (b) the third layer is a modified ABS that further comprises a polymer modifier that decreases the softening of the ABS on contact with styrene and an acrylonitrile-styrene-acrylate rubber terpolymer.

Claim 1 also encompasses an option where the composite has a fourth layer, but that Examiner through the indication of allowability has made it clear that this is not what the references are alleged to teach and render obvious.

As characterized by the Examiner, Grefenstein teaches a composite in which there is an ABS substrate, a styrene acrylonitrile interlayer and an acrylic top layer. Comparing Grefenstein to the claimed invention in tabular form reveals several differences:

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	Top Layer	Middle	Substrate
Grefenstein	Acrylic	styrene acrylonitrile	ABS
1st alternative	Acrylic	acrylate- modified acrylonitrile-styrene- acrylate rubber terpolymer	ABS
2nd alternative	Acrylic	acrylonitrile-styrene- acrylate rubber terpolymer	modified ABS that further comprises a polymer modifier that decreases the softening of the ABS on contact with styrene and an acrylonitrile-styrene- acrylate rubber terpolymer

The Examiner acknowledges that Grefenstein fails to disclose an "acrylic modified ABS and styrene-acrylonitrile polymer such as acrylonitrile-styrene-acrylate rubber terpolymer." This statement of differences does not clearly identify the layers in which the differences occur. Grefenstein does not disclose the composition of the second layer for either alternative, and fails to disclose the modified ABS of the third layer of alternative two.

The McCollum reference is cited as teaching a composite with an acrylic top layer, and an ABS base that can be made from two sub layers, one that is acrylic-styrene-acrylonitrile copolymer and once that is an acrylic-ABS alloy. The Examiner argues based on this that it would be obvious to use an acrylic-ABS alloy in place of the ABS substrate of Grefenstein. Such a combination, however, whether obvious or not, is not the presently claimed invention.

	Top Layer	Middle	Substrate
Examiner's combination	Acrylic	styrene acrylonitrile	ABS-acrylic alloy

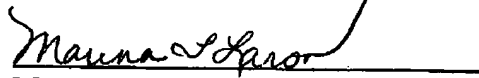
The middle layer in the Examiner combination does not meet the limitations for the middle layer in either of the two alternatives. Furthermore, an ABS-acrylic alloy is not the three component

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layer of the second claimed alternative. Thus, there is no *prima facie* case of obviousness presented, and the rejection should be withdrawn.

For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marina T. Larson", is written over a horizontal line.

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